REMARKS

Claims 1-3 are pending in this application. Claim 1 was rejected, and claims 2-3 were indicated to be allowable. None of the claims is currently amended. Reconsideration is respectfully requested.

The Office cites Ueda (5,606,727) as teaching the claim limitation "wherein prior to utilizing the selected channel for normal communications the selection of a radio frequency channel is communicated **on the selected channel** to other devices via a message indicative of an intent to utilize the selected channel." (emphasis added) Applicant traverses. Ueda, in step S13, teaches that the base station communicates one the old channel, not the new (selected) channel. Note that Ueda states "the base station controller 3 determines a channel with a maximum downstream desired-to-interference signal level ratio equal to or greater than the predetermined signal level threshold as a communication channel in step S15, **and indicates the communication channel to the mobile station 18 in step S13.**"[1] In other words, the base station instructs the mobile device on channel Y to switch to channel X. The claimed limitation is communicating the selection on the selected channel. In other words, the apparatus indicates on channel X that it intends to use channel X. Withdrawal of the rejection is therefore requested.

A terminal disclaimer is submitted with this paper to overcome the provisional double patenting rejection.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Applicants' Attorney at the number listed below so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

10/10/2006   /Holmes W. Anderson/
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[1] Column 6, lines 55-60 (emphasis added)